

AMENDED IN SENATE JUNE 30, 1997

AMENDED IN SENATE JUNE 16, 1997

AMENDED IN ASSEMBLY MAY 1, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 303

Introduced by Assembly Member Runner

February 14, 1997

An act to add ~~Chapter 3 (commencing with Section 55900)~~ to ~~Part 3 of Division 2 of Title 5 and repeal Article 3.5 (commencing with Section 23345) of Chapter 3 of Division 1 of Title 3~~ of the Government Code, relating to local governmental agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 303, as amended, Runner. Local governmental agencies: Los Angeles County.

Existing law provides for the establishment of various local governmental agencies.

This bill would, upon the adoption of resolutions by the governing ~~boards~~ *bodies* of one or more local ~~jurisdictions~~ *agencies*, as defined, that have an aggregate population of 2,000,000 or more, create a local agency known as the Los Angeles County Division ~~Authority~~ *Commission*.

~~The governing commission board of the authority~~ would consist of representatives appointed by the governing boards of participating local ~~jurisdictions~~ *agencies*. ~~The purpose of the authority would be to research the current commission~~

would be required to issue a report with recommendations to the Board of Supervisors of the County of Los Angeles, the Governor, and the Legislature by January 1, 2001. The report would be required to include, but not be limited to, analyses of the fiscal health and the capability and efficiency of service delivery—capability—of by the County of Los Angeles and—to determine if whether the division of the county into 2 or more smaller counties would result in enhanced fiscal health of the county and increased capability and efficiency in service delivery.

The bill would repeal its provisions on January 1, 2001.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Chapter 3 (commencing with Section~~
 2 SECTION 1. Article 3.5 (commencing with Section
 3 23345) is added to Chapter 3 of Division 1 of Title 3 of the
 4 Government Code, to read:

5
 6 Article 3.5. Los Angeles County Division Commission
 7

8 23345. (a) The Legislature finds and declares the
 9 necessity to study the fiscal health of Los Angeles County
 10 and the capability and efficiency of service delivery by
 11 Los Angeles County.

12 (b) As used in this section, "local agency" means any
 13 city within the boundaries of Los Angeles County, or the
 14 County of Los Angeles.

15 23346. (a) There may be created a commission called
 16 the Los Angeles County Division Commission.

17 (b) On or before January 1, 1999, the governing body
 18 of any local agency within and including Los Angeles
 19 County may adopt a resolution declaring its intent to
 20 form the commission. The governing body of each local
 21 agency shall immediately transmit a copy of its resolution
 22 to the county clerk of the County of Los Angeles. As soon
 23 as feasible after receiving resolutions from one or more
 24 local agencies that have an aggregate population of

1 2,000,000 or more people, the county clerk shall declare
2 the commission duly formed pursuant to this article.

3 (c) Each local agency that has adopted a resolution
4 declaring its intent to form the commission shall
5 contribute funding to the commission in proportion to
6 the number of its representatives on the commission
7 board.

8 23347. (a) The governing body of each local agency
9 that adopted a resolution pursuant to Section 23346 shall
10 appoint, by resolution, one representative to the
11 commission board and shall appoint, by resolution, an
12 additional representative for each 100,000 citizens within
13 its territory. In the case of Los Angeles County, for the
14 purpose of determining the number of representatives,
15 the population shall be the total population of the
16 unincorporated areas of the county. Representatives shall
17 serve at the pleasure of the local agency the person
18 represents. Each appointing authority shall endeavor to
19 appoint members who reflect the geographic, ethnic,
20 racial, gender, and cultural diversity of its territory. Each
21 appointing authority shall appoint members who have
22 demonstrated an interest and have proven academic or
23 professional ability in one or more of the fields of
24 demography, urban economics, land use planning, public
25 finance, and the legal aspects of local agency organization
26 and boundaries.

27 (b) The commission shall select a chair and vice chair
28 from among its own respective membership.

29 (c) The commission shall conduct public meetings to
30 solicit the views and advice of the public, including
31 elected and appointed officials, regarding the fiscal
32 health and service delivery capabilities of Los Angeles
33 County.

34 (d) The members of the commission may be
35 reimbursed for their actual and necessary expenses for
36 attending the meetings of the commission, except for
37 members of the commission who are elected officials,
38 officers, or employees of a local agency. The commission
39 may authorize a payment of a per diem not to exceed one
40 hundred dollars (\$100) to the members of the

1 commission for each day while they are in attendance at
2 meetings of the commission. The per diem may be in
3 addition to the reimbursement for actual and necessary
4 expenses. Notwithstanding any other provision of law, the
5 cost of the quarters, equipment, supplies, and operating
6 expenses incurred by the commission shall not be a
7 county charge but shall be paid from the funding made
8 by the act which added this section. The commission shall
9 not charge fees.

10 (e) The commission may appoint employees,
11 including counsel, define their qualifications and duties,
12 and provide compensation for the performance of their
13 duties.

14 (f) The commission may contract with any other
15 public or private agency for any services necessary to
16 carry out the purposes of this section.

17 23348. The commission shall issue a report with
18 recommendations to the Board of Supervisors of the
19 County of Los Angeles, the Governor, and the Legislature
20 by January 1, 2001. The report shall include, but not be
21 limited to:

22 (a) A comprehensive analysis of the fiscal health of Los
23 Angeles County.

24 (b) A comprehensive analysis of the capability and
25 efficiency of service delivery by the County of Los
26 Angeles.

27 (c) Whether or not a division of the County of Los
28 Angeles into two or more smaller counties would result
29 in enhanced fiscal health of the county and increased
30 capability and efficiency in the delivery of services.

31 (d) As part of its determination in subdivision (c), the
32 commission may prescribe boundaries for any proposed
33 division.

34 (e) Any other matters that the special commission
35 deems relevant.

36 23349. This article shall remain in effect only until
37 January 1, 2001, and as of that date is repealed, unless a
38 later enacted statute, that is enacted before January 1,
39 2001, deletes or extends that date.

1 ~~55900) is added to Part 3 of Division 2 of Title 5 of the~~
2 ~~Government Code, to read:~~

3
4 ~~CHAPTER 3. LOS ANGELES COUNTY DIVISION AUTHORITY~~

5
6 ~~Article 1. General Provisions~~

7
8 ~~55900. This chapter shall be known and may be cited~~
9 ~~as the Los Angeles County Division Authority Law.~~

10 ~~55901. As used in this chapter, the following terms~~
11 ~~have the following meanings:~~

12 ~~(a) "Authority" means the Los Angeles County~~
13 ~~Division Authority formed pursuant to this chapter.~~

14 ~~(b) "Governing board" means the governing board of~~
15 ~~the authority.~~

16 ~~(c) "Local jurisdiction" means the County of Los~~
17 ~~Angeles or any city within the County of Los Angeles.~~

18 ~~55902. If any provision of this chapter or the~~
19 ~~application of any provision of this chapter in any~~
20 ~~circumstance to any person, city, county, district, the~~
21 ~~state, or any agency or subdivision of the state is held~~
22 ~~invalid, that invalidity shall not affect other provisions or~~
23 ~~applications of this chapter that may be given effect~~
24 ~~without the invalid provision or application of the invalid~~
25 ~~provision, and to this end the provisions of this chapter~~
26 ~~are severable.~~

27 ~~55903. Any action to determine the validity of the~~
28 ~~organization or of any action of the authority shall be~~
29 ~~brought pursuant to Chapter 9 (commencing with~~
30 ~~Section 860) of Title 10 of Part 2 of the Code of Civil~~
31 ~~Procedure.~~

32
33 ~~Article 2. Formation and Boundaries~~

34
35 ~~55910. There may be created a local agency to be~~
36 ~~known and designated as the Los Angeles County~~
37 ~~Division Authority.~~

38 ~~55911. (a) The territory of the authority shall consist~~
39 ~~of all of the territory, whether incorporated or~~

1 unincorporated, within the County of Los Angeles, as
2 determined pursuant to subdivision (b).

3 (b) On or before January 1, 1999, the governing body
4 of any local jurisdiction may adopt a resolution declaring
5 its intent to form the authority. The board of supervisors
6 shall immediately transmit a copy of its resolution to the
7 County Clerk of the County of Los Angeles. As soon as
8 feasible after receiving resolutions from one or more local
9 jurisdictions that have an aggregate population of
10 2,000,000 or more people, the county clerk shall declare
11 the authority duly formed pursuant to this chapter with
12 the boundaries determined pursuant to this section. The
13 boundaries of the authority shall be the combined
14 territory of each local jurisdiction in which the governing
15 body has adopted a resolution pursuant to this section. In
16 the case of the County of Los Angeles, the territory is the
17 unincorporated territory of the county.

18 55912. Territory may be annexed to or detached from
19 the authority, upon the request of the governing body of
20 the local jurisdiction that has jurisdiction over the
21 territory, with 30 days' notice to the authority's governing
22 board.

23 55913. The Cortese-Knox Local Government
24 Reorganization Act of 1985 (Division 3 (commencing
25 with Section 56000)) shall not apply to the authority.

26 27 Article 3.—Governing Board

28
29 55920. (a) The governing board shall be appointed
30 pursuant to this section.

31 (b) The governing body of each local jurisdiction that
32 adopted a resolution pursuant to Section 55911 shall
33 appoint, by resolution, one representative to the
34 governing board and shall appoint, by resolution, an
35 additional representative for each 100,000 citizens within
36 its territory. In the case of the County of Los Angeles, for
37 the purpose of determining the number of
38 representatives, the population shall be the total
39 population of the unincorporated areas of the county.

1 ~~(c) Each local jurisdiction participating in the~~
2 ~~authority shall contribute funding to the authority in~~
3 ~~proportion to the number of its representatives on the~~
4 ~~governing board.~~

5 ~~55921. Notwithstanding Article 4.7 (commencing~~
6 ~~with Section 1125) of Chapter 1 of Division 4 of Title 1 or~~
7 ~~any other provision of law, service as a member or officer~~
8 ~~of the governing board, service as the secretary of the~~
9 ~~governing board, and service as the treasurer-chief fiscal~~
10 ~~officer of the authority does not constitute an~~
11 ~~incompatible activity by an officer or employee of~~
12 ~~another public agency.~~

13 ~~55922. (a) The members of the governing board shall~~
14 ~~meet and elect a president and vice president. The~~
15 ~~governing board may create additional officers and elect~~
16 ~~members to those positions; however, no member of the~~
17 ~~governing board shall hold more than one office. The~~
18 ~~governing board may define the duties and terms of its~~
19 ~~officers.~~

20 ~~(b) The governing board shall adopt a resolution~~
21 ~~defining the duties of the secretary and the~~
22 ~~treasurer-chief fiscal officer. Neither the secretary nor~~
23 ~~the treasurer-chief fiscal officer shall receive any~~
24 ~~compensation for his or her duties on behalf of the~~
25 ~~authority.~~

26 ~~(c) The governing board may adopt a resolution~~
27 ~~appointing officers of the participating cities that adopt~~
28 ~~a resolution pursuant to Section 55911 to serve as the~~
29 ~~secretary of the governing board and the treasurer-chief~~
30 ~~fiscal officer of the authority.~~

31 ~~(d) In the event the County of Los Angeles is a~~
32 ~~participating jurisdiction that adopts a resolution~~
33 ~~pursuant to Section 55911, the authority may appoint the~~
34 ~~clerk of the board of supervisors of the County of Los~~
35 ~~Angeles to serve as the secretary of the governing board~~
36 ~~and the county treasurer to serve as the treasurer-chief~~
37 ~~fiscal officer of the authority.~~

38 ~~55923. (a) The governing board shall meet at least~~
39 ~~once every three months.~~

~~(b) The meetings of the governing board are subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1).~~

~~(c) A majority of the governing board shall constitute a quorum for the transaction of business.~~

~~(d) The governing board shall act only by ordinance, resolution, or motion. A recorded vote by a majority of the total membership of the governing board is required on each action.~~

~~(e) The governing board shall keep a record of all of its acts, including its financial transactions. Unless another provision of law requires a longer retention period, the governing board may destroy or otherwise dispose of any paper or document filed with or submitted to the authority more than two years previously, unless the governing board determines that there is a need for its retention. In determining whether there is a need for retaining a paper or document, the governing board shall consider the effect of statutes of limitation, future public need, and historical significance.~~

~~55924. Members of the governing board shall not receive any compensation for their service, including attending meetings of the governing board. Members of the governing board who are not officers or employees of another local agency may receive reimbursement from the authority for their necessary and actual expenses for traveling to and from meetings of the governing board.~~

Article 4. Powers

~~55925. The authority shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter including, but not limited to, the following powers:~~

~~(a) To appoint employees, to define their qualifications and duties, and to provide compensation for the performance of their duties.~~

~~(b) To employ counsel.~~

1 ~~(c) To contract with any other public agency for any~~
2 ~~services necessary to carry out the purposes of the~~
3 ~~authority.~~

4 ~~(d) To contract for any services necessary to carry out~~
5 ~~the purposes of the authority.~~

6 ~~55926. The powers of the authority shall be used to~~
7 ~~research the current fiscal health and service delivery~~
8 ~~capability of the County of Los Angeles. In reviewing~~
9 ~~those capabilities, the authority shall determine if the~~
10 ~~division of the County of Los Angeles into two or more~~
11 ~~smaller counties would result in enhanced fiscal health~~
12 ~~and service delivery. As part of that determination the~~
13 ~~authority shall prescribe the boundaries of any proposed~~
14 ~~division.~~

15
16 ~~Article 5. Fiscal Affairs~~
17

18 ~~55930. (a) On or before June 1 of each year, the~~
19 ~~governing board shall prepare a preliminary budget for~~
20 ~~the fiscal year that begins July 1.~~

21 ~~(b) On or before June 1 of each year, the governing~~
22 ~~board shall publish a notice stating all of the following:~~

23 ~~(1) That it has prepared a preliminary budget that is~~
24 ~~available for inspection at times and places specified in~~
25 ~~the notice.~~

26 ~~(2) The date, time, and place when the governing~~
27 ~~board will meet to adopt the final budget.~~

28 ~~(3) That any person may appear and be heard~~
29 ~~regarding any item in the budget or regarding the~~
30 ~~addition of other items.~~

31 ~~(c) The notice shall be published pursuant to Section~~
32 ~~6066 in at least one newspaper of general circulation in~~
33 ~~each county within the boundaries of the authority.~~

34 ~~(d) At the time and place specified for the meeting,~~
35 ~~any person may appear and be heard regarding any item~~
36 ~~in the budget or regarding the addition of other items.~~

37 ~~(e) On or before July 1 of each year, after making any~~
38 ~~changes in the preliminary budget, the governing board~~
39 ~~shall adopt a final budget. The final budget shall establish~~

~~its appropriation limit pursuant to Division 9
(commencing with Section 7900) of Title 1.~~

~~55931. (a) All claims for money or damages against
the authority shall be governed by Part 3 (commencing
with Section 900) and Part 4 (commencing with Section
940) of Division 3.6 of Title 1.~~

~~(b) Claims against the authority shall be audited,
allowed, and paid by order of the governing board.~~

~~(c) Notwithstanding subdivision (b), the governing
board may authorize its treasurer-chief fiscal officer to
use an alternative procedure for payment of claims
against the authority.~~

~~(d) Notwithstanding subdivision (b), the governing
board may adopt a resolution creating a petty cash fund
to pay small bills directly. The resolution shall designate
all of the following:~~

~~(1) The maximum amount of the fund, not to exceed
five hundred dollars (\$500).~~

~~(2) The purposes for which the fund may be spent.~~

~~(3) The officer or employee who is authorized to
spend the fund and who will account for it.~~

~~(4) The officer or employee who is authorized to
create and reimburse the fund. Each document to
reimburse the fund shall contain an itemized account of
expenditures.~~

~~55932. The authority may accept any revenue,
money, grants, goods, property, or services from any
federal, state, regional, or local agency or from any person
for any lawful purpose of the authority.~~

~~55933. Notwithstanding any other provision of law,
the authority shall not do any of the following:~~

~~(a) Receive property tax revenues pursuant to
Chapter 6 (commencing with Section 95) of Article 0.5 of
Division 1 of the Revenue and Taxation Code.~~

~~(b) Levy special taxes including, but not limited to,
taxes levied pursuant to the Mello-Roos Community
Facilities Act of 1982 (Chapter 2.5 (commencing with
Section 53311) of Part 1).~~

~~(c) Levy general taxes.~~

~~(d) Levy benefit assessments or special assessments.~~

1 ~~(c) Issue bonds.~~

2
3 ~~Article 6. Termination~~

4
5 ~~55940. If the authority has not been created pursuant~~
6 ~~to Section 55911 on or before January 1, 1999, this chapter~~
7 ~~shall be repealed. If the authority has been created~~
8 ~~pursuant to Section 55911 it shall be terminated two years~~
9 ~~after the county clerk has declared the authority duly~~
10 ~~formed pursuant to Section 55911.~~

11 ~~SEC. 2. The Legislature finds and declares that a~~
12 ~~special law is necessary and the general law cannot be~~
13 ~~made applicable within the meaning of Section 16 of~~
14 ~~Article IV of the California Constitution because of the~~
15 ~~unique circumstances in the County of Los Angeles. The~~
16 ~~facts constituting the special circumstances are as follows:~~

17 ~~The diverse needs of the residents and cities within Los~~
18 ~~Angeles County require special study to determine how~~
19 ~~best to provide governmental services.~~